

**Fill in this information to identify your case:****IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS**Debtor 1 Carl G. Wilkerson, Sr.

First Name

Middle Name

Last Name

Debtor 2

(filing spouse)

First Name

Middle Name

Last Name

Case Number: 17-10468☐ Check if this modification is filed prior to filing of TRCC.☐ Check if this modification is filed after TRCC filing but still within Benchmark Fee Period☒ Check if this modification is filed after Benchmark Fee Period.

List the sections which have been changed by this modification:

4.6**TXEB Local Form 3015-d****SECOND MOTION TO MODIFY  
CONFIRMED CHAPTER 13 PLAN**

.....Adopted: Dec 2017

**TO THE HONORABLE JUDGE OF THIS COURT:**

1. This Motion to Modify Previously-Confirmed Chapter 13 Plan (the "Modification Motion") is filed by the:

☒ Debtor;<sup>1</sup>☐ Chapter 13 Trustee;☐ Unsecured Claimant:

for the purpose of modifying certain specified provisions of that Chapter 13 Plan which had previously been confirmed for the Debtor on **7/19/2018 [dkt #35]**. Except as modified herein, all provisions of the confirmed Chapter 13 Plan remain in full force and effect.

If this Motion is filed by the Debtor, each Debtor:

☐ certifies that an amended Schedule I and Schedule J have been filed contemporaneously with this motion;☒ declares, under penalty of perjury, that the information contained in Schedule I and Schedule J, as previously filed with the Court, remains true and correct.**28-DAY NEGATIVE NOTICE – LBR 3015(h):**

Your rights may be affected by the plan modifications sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Motion unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading **WITHIN TWENTY-EIGHT (28) DAYS FROM DATE OF SERVICE** shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order confirming this plan modification. If an objection is filed and served in a timely manner, the court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.

Debtor Carl G. Wilkerson, Sr.Case number 17-10468

1 The use of the singular term "Debtor" in this Modification Motion includes both debtors when the case has been initiated by the filing of a joint petition by spouses.

2. This Modification Motion is required *[select all applicable]*:

- ☒ to reconcile the Plan with allowed claims pursuant to the TRCC;
- ☐ to increase the amount of payments required under the Plan;
- ☐ to reduce the amount of payments required under the Plan;
- ☒ to provide for an allowed claim omitted from treatment under the Plan;
- ☐ to extend the time for making payments required under the Plan;
- ☐ to reduce the time for making payments required under the Plan;
- ☐ to surrender collateral pursuant to § 3.6;
- ☐ to cease further plan disbursements to a particular claimant;
- ☐ to cure a delinquency in the plan payments caused by \_\_\_\_\_,
- ☐ to increase the amount of retained income tax refunds authorized under § 2.4;

Reason: \_\_\_\_\_;

- ☐ to seek approval of an additional award of attorney's fees to the Debtor's attorney;
- ☐ Other: \_\_\_\_\_
- ☐ to add a nonstandard provision to Part 8 of the Plan *[check box below]*;

3. **Notice to Creditors:** Regarding insertion of new Nonstandard Provision into Debtor's Plan:

Nonstandard provisions as set forth in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
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4. The specific modifications to the Debtor's Plan are as follows:

- ☒ § 2.2 of the Plan regarding regular plan payments<sup>2</sup> is **MODIFIED** in the following respects:

Beginning on the 30<sup>th</sup> day after the Petition Date<sup>3</sup> unless the Court orders otherwise, the Debtor will make regular payments to the Trustee in variable amounts throughout the applicable commitment period and for such additional time as may be necessary to make the payments to claimants specified in Parts 3 through 5 of this Plan (the "Plan Term"). The payment schedule shall consist of:

- ☐ **Constant Payments:** The Debtor will pay \$ \_\_\_\_\_ per month for \_\_\_\_\_ months.
- ☒ **Variable Payments** The Debtor will pay make variable plan payments throughout the Plan Term. The proposed schedule for such variable payments are set forth in **Exhibit A** to this Order and are incorporated herein for all purposes.

If plan payment amounts are increasing, the Debtor certifies that, with regard to § 2.3 of the Plan,

Debtor Carl G. Wilkerson, Sr.Case number 17-10468

- ☐ a Motion for an Amended Wage Withholding Order for the increased payment amount has been filed;
- ☐ an increase of the amount to be transferred to the Trustee by electronic means has been authorized.

<sup>2</sup> Any reference to § 2.2 of the Plan herein includes any payments designated and confirmed under ¶ 2 of the 2006 version of TXEB Local Form 3015-a.

<sup>3</sup> The use of the term "Petition Date" in this Plan refers to the date that the Debtor filed the voluntary petition in this case.

☒ **None.** No additional Cure Claims designated for treatment under § 3.2 of the Plan <sup>4</sup>

☐ **No Remaining Claims.** All claims previously listed as a Cure Claim in § 3.2 of the Plan have been reclassified.

☐ **Revised/Additional Cure Claims.** § 3.2 of the Plan regarding the treatment of Cure Claims is **MODIFIED** in the following respects; provided, however, that to the extent that any Cure Claim added hereto is composed of a post-petition mortgage arrearage, the payment of any such arrearage shall be deferred until such time as the Claimant files an amended proof of claim to quantify the amount of the post-petition arrearage and, in any event, unless the Court specifically orders otherwise, such payment shall be subordinated to the existing payment rights of junior classes under the Debtor's previously-confirmed Chapter 13 Plan:

Claimant	Collateral/Property Description	Debtor's DPO Amount	Cure Claim Amount	Plan Interest Rate	Projected Monthly Payment by Trustee	Projected Total Cure Payment by Trustee
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☒ **None.** No additional 910 Claims designated for treatment under § 3.3 of the Plan. <sup>5</sup>

☐ **No Remaining Claims.** All claims previously listed as a 910 Claim in § 3.3 of the Plan have been reclassified.

☐ **Revised/Additional 910 Claims.** § 3.3 of the Plan regarding the treatment of 910 Claims is **MODIFIED** in the following respects:

Claimant	Collateral Description	910 Claim Amount	Plan Interest Rate	Equal Monthly Payment by Trustee	Projected Total Payment by Trustee
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☒ **None.** No additional 506 Claims designated for treatment under § 3.4 of the Plan <sup>6</sup>

☐ **No Remaining Claims.** All claims previously listed as a 506 Claim in § 3.4 of the Plan have been reclassified.

☐ **Revised/Additional 506 Claims.** § 3.4 of the Plan regarding the treatment of 506 Claims is **MODIFIED** in the following respects:

Claimant	Collateral Description	506 Claim Amount	Collateral Value	Plan Interest Rate	Equal Monthly Payment by Trustee	Projected Total Payment by Trustee
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<sup>4</sup> Any reference to § 3.2 of the Plan herein includes any payments designated and confirmed under ¶ 6(B) or ¶ 8 of the 2006 version of TXEB Local Form 3015-a.

<sup>5</sup> Any reference to § 3.3 of the Plan herein includes any payments designated and confirmed under ¶ 6(A)(ii)(a) of the 2006 version of TXEB Local Form 3015-a.

<sup>6</sup> Any reference to § 3.4 of the Plan herein includes any payments designated and confirmed under ¶ 6(A)(ii)(b) of the 2006 version of TXEB Local Form 3015-a.

☒ **None.** No additional Direct Claims designated for treatment under § 3.5 of the Plan. <sup>7</sup>

☐ § 3.5 of the Plan regarding the treatment of Direct Claims is **MODIFIED** in the following respects:

Claimant	Collateral Description	Total Claim Amount on Petition Date	Collateral Value on Petition Date	Contract Interest Rate	Monthly Payment per Contract	Party to Make Payment	Date of Final Monthly Payment
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Debtor Carl G. Wilkerson, Sr.Case number 17-10468

☒ **None.** No additional designations for surrender of collateral under § 3.6 of the Plan.<sup>8</sup>

☐ **Additional Surrender of Collateral.** § 3.6 of the Plan regarding the designation of property to be surrendered is **MODIFIED**. The Debtor surrenders to each additional claimant listed below the property that secures that creditor's claim and requests that, upon the granting of this Modification Motion, the automatic stay under § 362(a) be terminated as to the referenced collateral only and any co-debtor stay under § 1301 be terminated in all respects. Pending the consideration of this Modification Motion, the Trustee shall immediately cease any plan distribution to the additional claimant on account of the allowed secured claim for which the surrendered collateral stands as security. The affected claimant shall have **ninety (90) days after the entry of the order granting this Modification Motion** to file an amended proof of claim regarding recovery of any deficiency balance from the Estate resulting from the disposition of the collateral. Any such allowed general unsecured claim will thereafter be treated under § 5.2 of the confirmed plan.

Claimant	Collateral Description	Collateral Location
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☒ **None.** No additional DSO Claims designated for treatment under § 4.4 of the Plan.<sup>9</sup>

☐ **No Remaining Claims.** All claims previously listed as a DSO Claim in § 4.4 of the Plan have been reclassified.

☐ **Revised/Additional DSO Claims.** § 4.4 of the Plan regarding the treatment of DSO Claims is **MODIFIED** in the following respects:

<sup>7</sup> Any reference to § 3.5 of the Plan herein includes any payments designated and confirmed under ¶ 12(B) of the 2006 version of TXEB Local Form 3015-a.

<sup>8</sup> Any reference to § 3.6 of the Plan herein includes any designations for surrender of collateral under ¶ 6(C) of the 2006 version of TXEB Local Form 3015-a. .

<sup>9</sup> Any reference to § 4.4 of the Plan herein includes any payments designated and confirmed under ¶ 5(A) of the 2006 version of TXEB Local Form 3015-a.

DSO Claimant	Projected DSO Claim Amount	Projected Monthly Payment by Trustee
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☐ **None.** No additional Tax/Other Priority Claims designated for treatment under § 4.6 of the Plan.<sup>10</sup>

☐ **No Remaining Claims.** All claims previously listed as a Tax/Other Priority Claim in § 4.6 of the Plan have been reclassified.

☒ **Revised/Additional Tax/Priority Claims.** § 4.6 of the Plan regarding the treatment of Tax/Other Priority Claims is **MODIFIED** in the following respects:

Priority Claimant	Projected Claim Amount	Projected Monthly Payment by Trustee
Jefferson County	\$1,116.87	\$30.41
<input type="checkbox"/> Revised Claim <input checked="" type="checkbox"/> Additional Claim		

☐ **Part 8** of the Plan is **MODIFIED** with the inclusion of the following Special Provision:x.

Debtor Carl G. Wilkerson, Sr.Case number 17-10468

Under Bankruptcy Rule 3015(c), nonstandard provisions **must** be set forth below. A nonstandard provision is a provision not otherwise included in the Official TXEB Form or any deviation from it. *Any nonstandard provision set out elsewhere in this Modification Motion is void. Even if set forth below, any nonstandard provision is void **unless the "Included" box is checked in ¶ 3 of this Modification Motion.***

5. **Request for Additional Attorney's Fees (Expiration of Benchmark Fee Period Only):**

LBR In light of the fact that the Benchmark Fee Period under 2016(h) expired prior to the filing of this motion, the Debtor's attorney \_\_\_\_\_ requests an additional award of \$\_\_\_\_\_ to be paid pursuant to § 4.3 of the confirmed Plan for legal services rendered and for reimbursement of expenses incurred with regard to the preparation and filing of this Modification Motion and other documents pertaining thereto. This award would be in addition to any other fees previously awarded or paid in this case and shall be paid in a manner consistent with § 9.2 of the confirmed Plan.

WHEREFORE, the Movant, as identified in ¶ 1 herein, respectfully prays that the foregoing Modification Motion be granted, that the Debtor's Plan be modified in the manner set forth herein, that, if applicable, any request for additional attorney's fees as set forth in ¶5 be granted, and that such other and further relief be granted in this regard as may be appropriate under the circumstances.

Respectfully submitted,

Barron & Barron, LLP

/s/ Robert W. Barron \_\_\_\_\_

Barron & Barron, LLP  
24040479  
P.O 1347  
Nederland, Texas 77627

Phone: (409) 727-0073  
Fax: (409) 724-7739

ATTORNEY FOR DEBTOR(S)

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

IN RE: **Carl G. Wilkerson, Sr.**CASE NO **17-10468***Debtor(s)*CHAPTER **13****EXHIBIT "B" - VARIABLE PLAN PAYMENTS****PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)**

<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>
1 09/23/2017	\$515.00	21 05/23/2019	\$535.00	41 01/23/2021	\$535.00
2 10/23/2017	\$515.00	22 06/23/2019	\$535.00	42 02/23/2021	\$535.00
3 11/23/2017	\$515.00	23 07/23/2019	\$535.00	43 03/23/2021	\$535.00
4 12/23/2017	\$515.00	24 08/23/2019	\$535.00	44 04/23/2021	\$535.00
5 01/23/2018	\$515.00	25 09/23/2019	\$535.00	45 05/23/2021	\$535.00
6 02/23/2018	\$515.00	26 10/23/2019	\$535.00	46 06/23/2021	\$535.00
7 03/23/2018	\$515.00	27 11/23/2019	\$535.00	47 07/23/2021	\$535.00
8 04/23/2018	\$515.00	28 12/23/2019	\$535.00	48 08/23/2021	\$535.00
9 05/23/2018	\$515.00	29 01/23/2020	\$535.00	49 09/23/2021	\$535.00
10 06/23/2018	\$535.00	30 02/23/2020	\$535.00	50 10/23/2021	\$535.00
11 07/23/2018	\$535.00	31 03/23/2020	\$535.00	51 11/23/2021	\$535.00
12 08/23/2018	\$535.00	32 04/23/2020	\$535.00	52 12/23/2021	\$535.00
13 09/23/2018	\$535.00	33 05/23/2020	\$535.00	53 01/23/2022	\$535.00
14 10/23/2018	\$535.00	34 06/23/2020	\$535.00	54 02/23/2022	\$535.00
15 11/23/2018	\$535.00	35 07/23/2020	\$535.00	55 03/23/2022	\$535.00
16 12/23/2018	\$535.00	36 08/23/2020	\$535.00	56 04/23/2022	\$535.00
17 01/23/2019	\$535.00	37 09/23/2020	\$535.00	57 05/23/2022	\$535.00
18 02/23/2019	\$535.00	38 10/23/2020	\$535.00	58 06/23/2022	\$535.00
19 03/23/2019	\$535.00	39 11/23/2020	\$535.00	59 07/23/2022	\$535.00
20 04/23/2019	\$535.00	40 12/23/2020	\$535.00	60 08/23/2022	\$535.00

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

IN RE:

CARL G. WILKERSON, SR.  
xxx-xx-3820  
8641 7th Street  
Beaumont, TX 77705

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§

CASE NO.17-10468  
CHAPTER 13

DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2018, a true and correct copy of the above and foregoing document shall be served via electronic means, if available, otherwise by regular, first class mail, to the following and the attached mailing matrix. This service complies with Local Rules of Bankruptcy Procedure 9013(e).

**John Talton**  
110 North College Ave., 12th Floor  
Tyler, TX 75702

**Mr. Carl G. Wilkerson, Sr.**  
8641 7th Street  
Beaumont, TX 77705

**Conn Appliances, Inc.**  
c/o Becket and Lee LLP  
PO Box 3002  
Malvern, PA 19355-1245

**Jefferson County**  
c/o Clayton Mayfield  
1148 Park Street  
Beaumont, TX 77701-3614

**Fay Servicing, LLC**  
Aldridge Pite, LLP  
Attn: Alonzo Z. Casas  
4375 Jutland Drive, Ste 200  
PO Box 17933  
San Diego, CA 92177-0933

**Jennifer R. Bergh**  
The Law Offices of Michelle Ghidotti  
600 E John Carpenter Fwy  
Suite 200  
Irving, TX 75062

**PRA Receivables Management, LLC**  
PO Box 41021  
Norfolk, VA 23541

**Wilmington Savings Fund Society,**  
The Law Office of Michelle Ghidotti  
1920 Old Tustin ave.  
Santa Ana, CA 92705

**Wilmington Savings Fund Society, FSB**  
c/o Alonzo Z. Casas  
701 N. Post Road, Suite 205  
Houston, TX 77024

/s/ Robert W. Barron  
ROBERT W. BARRON

Label Matrix for local noticing  
0540-1  
Case 17-10468  
Eastern District of Texas  
Beaumont  
Wed Oct 3 13:19:08 CDT 2018

Acadian Ambulance  
P.O. Box 92970  
Lafayette, LA 70509-2970

BSI  
P.O. Box 517  
Titusville, PA 16354-0517

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6785-4 S. Eastern Ave.  
Las Vegas, NV 89119-3947

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Cavalry Investments, LLC  
500 Summit Lake Drive, Ste 400  
Valhalla, NY 10595-2321

Christus St. Elizabeth Hospital  
c/o TLRA  
POB 650576  
Dallas, TX 75265-0576

Conn Appliances, Inc.  
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Malvern, PA 19355-0702

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Fay Services  
440 S. LaSalle St. #2000  
Chicago, IL 60605-5011

Fay Servicing, LLC  
Aldridge Pite, LLP  
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Fay Servicing, LLC  
Bankruptcy Department  
3000 Kellway Dr., Ste 150  
Carrollton, TX 75006-3357

Fay Servicing, LLC  
in c/o ALDRIDGE PITE, LLP  
4375 JUTLAND DRIVE, SUITE 200  
P.O. BOX 17933  
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Internal Revenue Service  
Centralized Insolvency Operations  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Jefferson County  
c/o Clayton Mayfield  
1148 Park Street  
Beaumont, TX 77701-3614

Jefferson County  
P.O. Box 2112  
Beaumont, TX 77704-2112

Jefferson County Tax Office  
c/o Clayton E. Mayfield  
Linebarger Goggan Blair & Sampson, LLP  
1148 Park St  
Beaumont, TX 77701-3614

LVNV Funding, LLC its successors and assigns  
assignee of GE Money Bank  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Lowe's  
c/o LVNC Funding, LLC  
P.O. Box 1259  
Oaks, PA 19456-1259

MCT Credit Union  
P.O. Box 279  
Port Neches, TX 77651-0279

Clayton E. Mayfield  
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Beaumont, TX 77701-3614

Medical Center of Southeast Texas  
P.O. Box 846381  
Dallas, TX 75284-6381

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

Radiology Associates  
POB 7369  
Beaumont, TX 77726-7369

Sharon Wilkerson  
8641 7th St.  
Beaumont, TX 77705-7857

Surgical Critical Care  
P.O. Box 12909  
Beaumont, TX 77726-2909



John Talton.	U.S. Attorney General	US Trustee
Plaza Tower	Department of Justice	Office of the U.S. Trustee
110 N. College Ave, 12 Floor	Main Justice Building	110 N. College Ave.
Tyler, TX 75702-7226	10th & Constitution Ave., NW	Suite 300
	Washington, DC 20530-0001	Tyler, TX 75702-7231

United States Attorney's Office	Walmart	Carl G. Wilkerson Sr.
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Beaumont, TX 77701-2254	P.O. Box 1259	Beaumont, TX 77705-7857
	Oaks, PA 19456-1259	

Wilmington Savings Fund Society FSB	Wilmington Savings Fund Society, FSB	Wilmington Savings Fund Society, FSB, d/b/a
c/o Kondaur Capital Corporation	c/o Alonzo Z. Casas	The Law Office of Michelle Ghidotti
333 South Anita Drive, ste 400	701 N. Post Road, Suite 205	1920 Old Tustin ave.
Orange CA 92868-3314	Houston, TX 77022	Santa Ana, CA 92705-7811

Zerernity Beaumont, LP  
 11233 Shadow Creek Pkwy. #323  
 Pearland, TX 77584-7345

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)PRA Receivables Management, LLC	End of Label Matrix	
PO Box 41021	Mailable recipients	39
Norfolk, VA 23541-1021	Bypassed recipients	1
	Total	40